

Attorney Docket No.: P1087PC03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BRITESMILE DEVELOPMENT, INC.
Int'l Application No.: PCT/US2004/024070
For: COMPOSITIONS, METHODS, DEVICES, AND KITS FOR
MAINTAINING OR ENHANCING TOOTH WHITENING
COMPOSITION
Int'l Filing Date: JULY 28, 2004
Officer: INDIA L. EVANS

**RESPONSE TO: NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED ELECTED OFFICE
(DO/EO/US)**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the attached Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). Applicant respectfully submits the following:

1. Payment of Additional Fees of \$6540.00 (a copy of Notice is attached). Applicant respectfully requests that Deposit Account 50-3717 be charged under Order No.: P1087PC03.
2. Petition Pursuant to PCT Rule 14 Article 4.15(b). Applicant believes no fee to be due for the filing of this instant petition. However, if there is a fee associated with this petition, Applicant respectfully requests that the Receiving Office charge Applicant's Deposit Account 50-3717 under Order No.: P1087PC03.

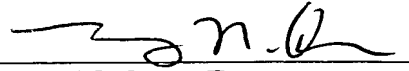
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Application No.: PCT/US204/024070)

Docket No.: P1087PC03

Dated: Oct 2, 2006

Respectfully submitted,



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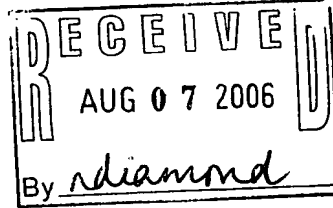


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/568,054	R Eric Montgomery	7800b.8005

David M. Quinlan, P.C.
 32 Nassau Street
 Suite 300
 Princeton, NJ 08542



INTERNATIONAL APPLICATION NO.	
PCT/US04/24070	
I.A. FILING DATE	PRIORITY DATE
07/28/2004	07/28/2003

CONFIRMATION NO. 3707

371 FORMALITIES LETTER



OC000000019864363

Date Mailed: 08/03/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/10/2006
- Request for Immediate Examination filed on 02/10/2006
- U.S. Basic National Fees filed on 02/10/2006
- Priority Documents filed on 02/10/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$6110** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$6540** for a Large Entity:

- **\$130** Surcharge.

- The application search fee has not been paid. Applicant must submit **\$100** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$200** to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 6110**
 - **\$1400** for **7** independent claims over 3.
 - **\$4350** for **87** total claims over 20.
 - **\$360** for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/568,054	PCT/US04/24070	7800b.8005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

- Transmittal Letter and copy of notice- 4 pages
- Petition Under PCT Art. 14 4.15(b) - 2 pages
- 8 attachments - 24 pages - Stamped Postcard

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents - *mail Stop: PCT*
P.O. Box 1450
Alexandria, VA 22313-1450

on Oct 3, 2006
Date

Naomi Brickley
Signature

Naomi Brickley

Typed or printed name of person signing Certificate

N/A

Registration Number, if applicable

310-845-8693

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

For PCT/US2004/024070 - Docket NO. P1087ACD3

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.